

Other Items to be Addressed for the Proposed 2006 Consumer Products Regulation Amendments

Other items to be addressed in November Rule Making

1. Multi-Function Products:

Many products with multiple contaminant removal claims have been classified as "Multi-Purpose Solvent" (MPS), which creates an unfair market place in which products with single label claims could be held to stricter VOC standards than those with multiple label claims. To address confusion and inequity in categorizing multi-function products, staff is proposing modifications to the current definition of "Multi-Purpose Solvent". The proposed revised definition primarily includes those products without specific label claims or specific end-use functions, meaning that any product that makes regulated claims on the label would no longer fit the MPS definition. This proposal is consistent with the current "most restrictive limit" clause by reducing the number of definitions applicable to multi-function products.

In addition, the proposed revised definition explicitly includes packaged solvents that are presently marketed without specific label claims. Staff intends to propose a VOC standard for MPS products in the 2007 rulemaking. At the time the VOC standard becomes effective, packaged solvent manufacturers would need to either offer compliant products or re-label non-compliant products with specific claims (such as "paint thinning," "viscosity reducer," etc.).

In the March rulemaking, staff intends to set a standard for "Multi-Purpose Solvent". The pertinent proposed modified definitions are included below:

94508. Definitions

(a) For the purposes of this article, the following definitions apply:

- (98) "Multi-Purpose Solvent" means any organic-liquid product designed to be used for a variety of purposes, ~~including cleaning or degreasing of a variety of substrates, or thinning or dispersing or dissolving other organic materials.~~ products that do not include specific use instructions, and/or products that do not specify an end-use function or application. "Multi-purpose Solvent" includes solvents used in institutional facilities, except laboratory reagents used in analytical, educational, research, scientific, or other laboratories. "Multi-purpose Solvent" does not include solvents used in cold cleaners, vapor degreasers, conveyorized degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.
- (107) "Paint Thinner" means any volatile liquid product used for reducing the viscosity of coating compositions or components, that prominently displays the term "Paint Thinner," "Lacquer Thinner," "Thinner," or "Reducer" on the front panel of its packaging.

2. Rubber and Vinyl Protectant / Consumer Products Regulation and Aerosol Coatings Regulation Overlap

Staff intent is to clarify that products which were originally considered "Rubber and Vinyl Protectants," as described in the 1997 Midterm Measures Staff Report, do indeed qualify under the definition. Because of a definition drafting error it was unclear that products such as tire coatings which only protect rubber surfaces, rather than rubber and vinyl surfaces qualify as "Rubber and Vinyl Protectants". Further we are clarifying that "Rubber and Vinyl Protectants," "Fabric Protectants" and other specific products, (such as those used on the human body) are subject to the Consumer Products Regulation and not subject to the Aerosol Coatings Regulation. We believe these modifications are needed to clarify the regulations, preserve emission reductions claimed in past rulemakings and maintain a level playing field for those products which reformulated to meet applicable VOC limits. The pertinent proposed modified definitions are included below:

- (123) "~~Rubber and/ Vinyl/ Plastic~~ Protectant" means any product designed or labeled to protect, preserve or renew vinyl, rubber, ~~and/or~~ plastic on vehicles, tires, luggage, furniture, ~~and/or~~ household products such as vinyl covers, clothing, ~~and/or~~ accessories. "~~Rubber and/ Vinyl/ Plastic~~ Protectant" does not include products primarily ~~designed~~ labeled to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire, pigmented products used primarily for coloring, translucent-film-forming products used in conjunction with pigmented products, and other film forming products used for construction, reconstruction, modification, structural maintenance or repair of rubber, vinyl or plastic substrates.
- (51) "Fabric Protectant" means a product designed ~~designed~~ or labeled to be applied to fabric substrates to protect the surface from soiling from dirt ~~and/or~~ other impurities or to reduce absorption of liquid into the fabric's fibers. "Fabric Protectant" does not include waterproofers, or products designed for use solely on leather, ~~or~~ products designed for use solely on fabrics which are labeled "for dry clean only" and sold in containers of 10 fluid ounces or less. Fabric Protectant" does not include pigmented products used primarily for coloring, translucent-film-forming products used in conjunction with pigmented products, and other film forming products used for construction, reconstruction, modification, structural maintenance or repair of fabric substrates.

94523. Exemptions.

- a) This article shall not apply to aerosol lubricants, mold releases, automotive underbody coatings, electrical coatings, cleaners, belt dressings, anti-static sprays, layout fluids and removers, adhesives, maskants, rust converters, dyes, inks, ~~and~~ leather preservatives or cleaners, cosmetics or any other products used on the human body, or "Rubber / Vinyl / Plastic Protectants" as defined in section 94508, and "Fabric Protectants" as defined in section 94508.

3. Toxics

See the Third Staff Proposal for November 2006 for the categories for which staff are proposing to limit the use of chlorinated toxic compounds.

4. VOC Exemptions

We intend to evaluate exposure scenarios for the use of tertiary-Butyl acetate (tBac) in Consumer Products. If these exposures are unacceptable we will limit or prohibit the use of tBac in Consumer Products.

5. Nail Polish Remover.

We propose to adjust the 0% VOC limit for Nail Polish Removers to 1% VOC. This change is necessary to address the technical reformulation issues identified for compliance with the 0% VOC limit. This proposal will create a shortfall of approximately 0.04 tpd VOC, which will be mitigated by the reductions resulting from the adoption of new VOC limits.

6. Re-evaluate the Fragrance Exemption

We will continue to evaluate whether the 2 % fragrance exemption is appropriate on a category by category basis. For the November 2006 Regulation Amendments we are only proposing that the 2 % fragrance exemption not apply to the Fabric Softener – Dryer Sheet Products category. We are proposing that the fragrance exemption remains applicable to all other categories at this time.

Other Items to Be Considered in 2007 Rulemaking

1. Industry Proposal for Modifications to the Innovative Product Exemption.

2. Emission Standard for “Multi-Purpose Solvent.”

3. Toxic Compounds

We propose to evaluate limiting the use of n-hexanes in specific categories. See Third Staff Proposal for 2007.

4. Re-evaluate the Fragrance Exemption

We will continue to evaluate whether the 2% fragrance exemption is appropriate on a category by category basis.